

JAP:UAD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-11-416

- - - - -X

UNITED STATES OF AMERICA

- against -

JASON TUIITE,

Defendant.

AFFIDAVIT AND COMPLAINT
IN SUPPORT OF AN ARREST
WARRANT

M. No. _____
(18 U.S.C. § 2252(a)(2))

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS.:

ROBERT MANCENE, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

In or about and between April 2010 and April 2011, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JASON TUIITE did knowingly receive and distribute any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of my information and the grounds for my belief are as follows:¹

1. I have been employed as a federal agent since 1996 and am currently assigned to the New York Office, Child Exploitation Group ("CEG"). I have gained expertise in this area through training in classes and daily work related to conducting these types of investigations. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed thousands of photographs depicting children (less than eighteen years of age) being sexually exploited by adults.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

3. On December 20, 2010, HSI agents were investigating computers with New York IP addresses that were or had been sharing child pornography on the Internet. HSI was looking for offenders actively sharing child pornography within New York State using a law enforcement database that records publicly broadcast

¹ Because the purpose of this complaint is merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

information pertaining to certain file-sharing networks frequently used to send and receive child pornography.

4. Using that law enforcement database, HSI identified the IP address 71.183.197.52 as a user that has been observed connected to the Internet and sharing images related to child pornography.

5. On December 20, 2010, HSI issued a summons to Verizon Internet Services for account information related to IP address 71.183.197.52. Verizon Internet Services responded and identified the account using IP address 71.183.197.52 at the specific dates and times requested as belonging to Joseph Tuite at 1022 Post Avenue, Staten Island, NY 10302.

6. On February 7, 2011, the Honorable Roanne L. Mann, U.S. Magistrate Judge in the Eastern District of New York, signed a search warrant for the residence located at 1022 Post Avenue, Staten Island, NY 10302, authorizing agents to search and seize evidence or fruits or instrumentalities of the possession, transportation, receipt, distribution and reproduction of sexually explicit material relating to children, in violation of Title 18 United States Code, Sections 2252 and 2252A.

7. On February 16, 2011, HSI agents went to 1022 Post Avenue, Staten Island, NY 10302 to execute the search warrant and found that the residence had been vacated. HSI learned from the United States Postal Inspection Service ("USPIS") that the residence had been vacated several days earlier. USPIS also informed HSI that the resident(s) at 1022 Post Avenue, Staten

Island, NY 10302 had filed a change of address form and listed the new residence as 19 Cedarwood Court, Staten Island, NY 10303.

8. On February 16, 2011, HSI agents were able to determine that the user who had previously used the IP address 71.183.197.52 was using a new IP address of 98.113.18.71. HSI agents also confirmed that the user at IP address 98.113.18.71 was offering what appeared to be files depicting child pornography for download.

9. On February 16, 2011, HSI issued a summons to Verizon Internet Services for account information related to IP address 98.113.18.71. Verizon Internet Services responded and identified the account using IP address 98.113.18.71 at the specific dates and times requested as belonging to Bryan Tyson, 19 Cedarwood Court, Staten Island, NY 10303.

10. On March 31, 2011, the Honorable Marilyn D. Go, U.S. Magistrate Judge in the Eastern District of New York, signed a supplemental search search warrant for the residence located at 19 Cedarwood Court, Staten Island, NY 10303, authorizing agents to search and seize evidence or fruits or instrumentalities of the possession, transportation, receipt, distribution and reproduction of sexually explicit material relating to children, in violation of Title 18 United States Code, Sections 2252 and 2252A.

11. On or about April 4, 2011, your Affiant and other agents executed the search warrant at 19 Cedarwood Court, Staten Island, NY 10303. At the residence, HSI agents encountered the defendant JASON TUIITE. On or about April 4, 2011, I interviewed

the defendant JASON TUIITE. During the course of that interview, he admitted in sum, substance and part that he had knowingly downloaded images and video files depicting child pornography from the Internet for "at least a year" and had retained those files. TUIITE also stated that he had used the fictitious name "Bryan Tyson" when opening his internet service account at 19 Cedarwood Court, Staten Island, NY 10303. TUIITE also identified a laptop found in the residence as his personal laptop, which HSI agents seized.


12. Among those images and videos offered for download by the user at IP addresses 71.183.197.52 and 98.113.18.71 were the following:

a) Bibcam - 12yo Rene sucked off by his teacher after class for extra credit and swallows his little boy cum - hot! 2m49s.avi is a video file approximately 2:49 minutes in length depicting an adult male manually stimulating a prepubescent boy's penis. As the video progresses, the prepubescent boy and the adult male are shown masturbating. At the conclusion of the video, the adult male is shown performing oral sex on the prepubescent boy.

b) Bibcam 11 yo - Blond boy streap and squirts cum.avi is a video file approximately 3:42 minutes in length depicting a prepubescent boy who is shown undressing and lying on a bed masturbating.

c) Bibcam 11Yo Koen pj k s00 hmv rbv brn gerbys
rf# kdv preteen boy(1).avi is a video file
approximately 10:54 minutes in length beginning
with a prepubescent girl removing her underwear.
The video then depicts a young naked male lying on
a bed and rubbing his penis on the prepubescent
girl's vagina. The video goes on to show a number
of different prepubescent boys and girls engaging
in various sexual acts with one another.

WHEREFORE, your affiant respectfully requests that the
Court issue an arrest warrant for the defendant JASON TUIITE so that
he may be dealt with according to law.



Robert Mancane
Special Agent
Homeland Security Investigations

Sworn to before me this
19th day of April, 2011

THE HONORABLE VIKTOR V. POHORELSKY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK